

1 ROB BONTA
2 Attorney General of California
3 R. MATTHEW WISE
4 Supervising Deputy Attorney General
5 S. CLINTON WOODS
6 Deputy Attorney General
7 State Bar No. 246054
8 455 Golden Gate Avenue, Suite 11000
9 San Francisco, CA 94102-7004
10 Telephone: (415) 510-3807
11 Fax: (415) 703-5480
12 E-mail: Clint.Woods@doj.ca.gov
13 *Attorneys for Defendant Rob Bonta, in his official
capacity as Attorney General of California*

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL ZELENY, an individual,

Case No. 3:17-cv-07357 RS

Plaintiff,

v.

ROB BONTA, an individual, in his official
capacity; CITY OF MENLO PARK, a
municipal corporation; and DAVE
BERTINI, in his official capacity,

CASE MANAGEMENT STATEMENT BY
DEFENDANT ROB BONTA

Date: May 15, 2025
Time: 10:00 a.m.
Judge: Hon. Richard G. Seeborg
Courtroom: 3

Defendants.

1 In late August 2024, the Ninth Circuit entered an order vacating the May 2, 2022 judgment
2 in favor of Defendant Rob Bonta and remanding the case back to this Court. Dkt. No. 232. A
3 mandate was issued under Rule 41(a) of the Federal Rules of Appellate Procedure on September
4 19, 2024. Dkt. No. 234. A few days later, the Court set a case management conference for
5 November 14, 2024, and directed the parties to submit a joint case management statement. Dkt.
6 No. 235. On November 8, 2024, Defendant filed a notice that Defendant's counsel had not been
7 able to locate Plaintiff or Plaintiff's counsel. Dkt. No. 236. The Court then entered an order
8 continuing the case management conference to January 23, 2025 and directed the parties to
9 submit a joint case management statement. Dkt. No. 237.

10 At the case management conference on January 23, 2025, Mr. Zeleny's previous counsel,
11 Damion Robinson, represented that he intended to file a motion to withdraw as counsel for Mr.
12 Zeleny. That motion was filed on March 20, 2025. Dkt. No. 241. The motion was granted on
13 April 8, 2025. Dkt. No. 242. The Court then set a further case management conference for May
14 15, 2025. Dkt. No. 243.

15 Plaintiff has informed Defendant's counsel that he does not have current counsel, and that
16 he believes the action should be stayed pending resolution of *Baird v. Bonta*, 9th Cir. Case No.
17 23-15016. Plaintiff similarly asked the Ninth Circuit Court of Appeals to hear this case
18 concurrently with *Baird v. Bonta*—a request that court did not adopt. As Defendant argued there,
19 the superficial similarities between the two cases—in particular, that Plaintiff now contends that
20 California Penal Code Section 26350 is unconstitutional—are outweighed by Plaintiff's failure in
21 this case to plead a Second Amendment right to carry a firearm (and specifically a handgun)
22 openly for the purpose of self-defense, as well as Plaintiff's failure to challenge California's
23 firearms licensing scheme. Given that this case has been pending in this Court for nine months
24 without any movement, and consistent with the Court's comments at the January 23, 2025 case
25 management conference, Defendant supports dismissing this case for lack of prosecution under
26 Federal Rule of Civil Procedure 41(a)(2).

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1 Dated: May 8, 2025

Respectfully submitted,

2 ROB BONTA
3 Attorney General of California
4 R. MATTHEW WISE
5 Supervising Deputy Attorney General

6 /s/ *S. Clinton Woods*

7 S. CLINTON WOODS
8 Deputy Attorney General
9 *Attorneys for Defendant Rob Bonta, in his*
10 *official capacity as Attorney General of*
11 *California*

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CERTIFICATE OF SERVICE

Case Name: *Zeleny, Michael G.* Case No. *3:17-cv-07357 RS (NC)*
Brown, et al.

I hereby certify that on May 8, 2025, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

- **CASE MANAGEMENT STATEMENT BY DEFENDANT ROB BONTA**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on May 8, 2025, at San Francisco, California.

M. Mendiola
Declarant

M. Mendiola
Signature

SA2018100198